

1 Steven R. Blackburn, State Bar No. 154797  
2 Matthew A. Goodin, State Bar No. 169674  
3 Rachel S. Hulst, State Bar No. 197330  
4 EPSTEIN BECKER & GREEN, P.C.  
5 One California Street, 26th Floor  
6 San Francisco, California 94111-5427  
7 Telephone: 415.398.3500  
8 Facsimile: 415.398.0955  
9 SBlackburn@ebglaw.com  
10 MGoodin@ebglaw.com  
11 RHulst@ebglaw.com

12 Attorneys for Defendants  
13 C&H SUGAR COMPANY, INC.

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

16 JAMES TROY WALKER

17 Plaintiff,

18 v.

19 PACIFIC MARITIME ASSOCIATIONS;  
20 MARINE TERMINALS CORP.; PACIFIC  
21 C&H SUGAR COMPANY, INC.;  
22 INTERNATIONAL LONGSHORE UNION  
23 LOCAL 10,

24 Defendants.

CASE NO. C 07-03100 BZ

**DEFENDANT C&H'S REPLY BRIEF IN  
SUPPORT OF MOTION TO DISMISS**

Hearing Date: September 19, 2007

Time: 10:00 A.M.

Courtroom: G, 15<sup>th</sup> Floor

Magistrate Judge Bernard Zimmerman.

25 To date, plaintiff James Walker ("Plaintiff") has not filed any opposition to Defendant  
26 C&H Sugar Company, Inc.'s Motion to Dismiss. Magistrate Judge Zimmerman's Scheduling  
27 Order for this motion specifically states that Plaintiff's opposition to the motion "shall be filed  
28 by Wednesday, August 22, 2007." (See Court's Scheduling Order at p. 1:21-22.) Defendant  
C&H gave Plaintiff proper and timely notice of this motion and the Court subsequently served its  
Scheduling Order on all parties in the case, including Plaintiff. As set forth in Defendant C&H's  
moving papers, simply because Plaintiff is currently unrepresented by an attorney does not  
permit him to disregard the laws that govern the Court's procedures. *Pro per* plaintiffs must  
follow the same rules of procedure that govern other litigants. See *King v. Atiyeh*, 814 F.2d 565,

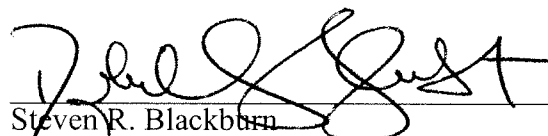
1 567 (9th Cir. 1987.) Accordingly, any opposition that Plaintiff may subsequently bring through  
2 untimely briefing or argument at the hearing, should not be considered by this court.

3 Ultimately, as set forth in Defendant C&H's moving papers, it is undisputed that all of  
4 Plaintiff's claims brought against Defendant C&H are untimely. Defendant C&H's motion to  
5 dismiss should be granted in its entirety and all causes of action against Defendant C&H should  
6 be dismissed with prejudice.

7 DATED: August 29, 2007

EPSTEIN BECKER & GREEN, P.C.

8  
9 By:



10 Steven R. Blackburn  
11 Matthew A. Goodin  
12 Rachel S. Hulst  
13 Attorneys for Defendant  
14 C&H Sugar Company, Inc.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28